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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/082,044	05/20/1998	NITIN J. SHAH	SHAH-11	2247

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EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2151

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/082,044

Applicant(s)

SHAH, NITIN J.

Examiner

Khanh Dinh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8,10,15,17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8,10,15,17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Request for Reconsideration filed on 10/20/2005. Claims 1, 3-8, 10-15 and 17-21 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-8, 10-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsson et al., US pat. No.5,970,408 (hereafter Carlsson) in view of Maddalozzo Jr. et al., US pat. No.5,974,460.

As to claim 1, Carlsson discloses a system for communicating with the Internet comprising:

an address parser (signal quality comparator 50 fig.2 from Determiner 202 fig.1) that makes a determination of whether said site is a mobile site or a fixed site (see abstract, fig.1, col.6 lines 5-55),

a communication manager (62 fig.2) that manages communication with site based on determination when the site is the mobile site, either to said mobile site when said mobile site is available in a wireless communication with the network or the mobile site is out of wireless communication with said communication network (using handoff requests processing, see fig.2, col.6 line 56 to col.7 line 51 and col.8 lines 10-65).

Carlsson does not specifically disclose a mirror site containing a time-delay copy of data. However, Maddalozzo discloses a mirror site containing a time-delay copy of data (providing a mirror site to provide copies of the same information sought by users at any given time, see fig.3, col.1 lines 19-41 and col.3 line 57 to col.4 line 42). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's mirror site into the computer system of Carlsson to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

As to claim 3, the Carlsson-Maddalozzo combination discloses that communications manager prompts said site to update said mirror (see Carlsson's col.8 lines 10-65 and Maddalozzo's col.3 line 57 to col.4 line 42).

As to claim 4, Maddalozzo discloses that communications manager buffers said communications to accommodate lower bandwidth when said site is a mobile site (defining the location of the client when the mobile client is moving, see Maddalozzo,

Art Unit: 2151

col.1 lines 19-41 and col.3 line 57 to col.4 line 42). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's mirror site into the computer system of Carlsson to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

As to claim 5, Carlsson further discloses that the address parser makes said determination of whether said site is said mobile site (see fig.3, col.8 lines 10-65 and col.9 lines 7-55). Maddalozzo disclose a plurality of web site linked to mirrored sites from a top level domain name (see fig.3, col.1 lines 19-41 and col.4 line 58 to col.4 line 67, it is also inherent that these web sites/mirror sites having particular domain names). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's teachings into the computer system of Carlsson to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

As to claim 6, Carlsson further discloses that the communications manager acknowledges said communications to said mobile site (see fig.3, col.8 lines 10-65 and col.9 lines 7-55).

Art Unit: 2151

As to claim 7, Carlsson discloses that the communications manager and an address parser are associated with the Internet (see fig.3, col.8 lines 10-65 and col.9 lines 7-55).

Claims 8, 10 and 12-14 are rejected for the same reasons set forth in claims 1, 3 and 5-7 respectively.

Claims 11 and 18 are rejected for the same reasons set forth in claim 4.

Claim 15 is rejected for the same reasons set forth in claim 1 with the combination of Carlsson and Maddalozzo. As to the added limitations, Carlsson further discloses a plurality of fixed sites associated with the stationary host, a plurality of mobile sites having mobile-site domain names associated with the mobile host and a communications infrastructure that couples ones of said pluralities of fixed and mobile sites for communication (see fig.3, col.8 lines 10-65 and col.9 lines 7-55)). Maddalozzo discloses these sites having fixed-site domain names and mobile-site domain names (see fig.3, col.1 lines 19-41 and col.4 line 58 to col.4 line 67, it is also inherent that these web sites/mirror sites having particular domain names). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's mirror site into the computer system of Carlsson to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

Claims 17 and 19-21 are rejected for the same reasons set forth in claims 3 and 5-7 respectively.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3-8, 10-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Claims 1, 3-8, 10-15 and 17-21 are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Primary Examiner
Art Unit 2151
12/26/2005